

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERC United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,811	04/29/2005	Jesus G Valenzuela	4239-67028-08	7353
	7590 08/03/2007 SPARKMAN, LLP		EXAMINER	
121 S.W. SALMON STREET			BASKAR, PADMAVATHI	
SUITE #1600 PORTLAND, OR 97204-2988			ART UNIT	PAPER NUMBER
			1645	
		•		
			MAIL DATE	DELIVERY MODE
•			08/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	•				
	Application No.	Applicant(s)			
	10/533,811	VALENZUELA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Padmavathi v. Baskar	1645			
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with the	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING IDENTIFY. - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statuly any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO .136(a). In no event, however, may a reply be to d will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDON	DN. imely filed m the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	·				
,					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	153 O.G. 213.			
Disposition of Claims					
4) ⊠ Claim(s) <u>1-38</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-38</u> are subject to restriction and/or	awn from consideration.				
Application Papers					
9) The specification is objected to by the Examin	· ·				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the E	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat * See the attached detailed Office action for a list 	nts have been received. nts have been received in Applica ority documents have been receiv au (PCT Rule 17.2(a)).	tion No ved in this National Stage			
		,			
Address of S					
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summar	ov (PTO_413)			
2) Notice of Neterlands Cited (*10-032) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail D 5) Notice of Informal 6) Other:	Date			

Art Unit: 1645

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, Claims 1-6 and 23 (in part) drawn to substantially purified salivary Lu. longipalpis polypeptide and a composition comprising said polypeptide.

Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group II, Claims 7-18 and 24 (in part) are drawn to an isolated polynucleotide, recombinant expression vector, and host cell, an immunogenic composition DNA Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group III Claims 19-22 (in part) drawn to an antibody
Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group IV Claims 25-30 (in part) drawn to a method for inducing an immune response Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Groups V Claim 31 (in part) drawn to a method for inhibiting a symptom of a Leishmania infection Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group VI Claims 32 and 33 (in part) drawn to a method of manufacturing polypeptide as a medicament Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group VII Claims 32 and 33 (in part) drawn to a method of manufacturing nucleic acid as a medicament Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group VIII Claims 34-38 (in part) drawn to a method of diagnosing Leishmania infection using polypeptide Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Art Unit: 1645

The inventions listed as Groups 1-VIII (in Part) do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

2. The technical feature of linking Groups I-VIII appears to be that they all relate to polynucleotide, polypeptide and antibody.

The technical feature of linking groups appears to be that they are all related to peptides, nucleic acids and antibodies and methods of using peptides, nucleic acids and antibodies.

However, Charlab R et al 1999 Proc Natl Acad Sci U S A. 1999 Dec 21; 96(26): 15155-60. disclose substantially purified salivary L.longipalpis polypeptide (see abstract and page 15157, left column) and thus read on group I. Therefore, the technical feature of linking groups I-VIII does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art and hence unity of invention is lacking.

The special technical feature of Group I considered to be polypeptide that shares no common structure, property and function with Group II since peptides contain amino acids and do not share the same or a corresponding technical feature with Group II nucleic acids.

The special technical feature of Group II is considered to be polynucleotide, which is made up of nucleic acids.

The special technical feature of Group III considered to be antibody that shares no common structure, property and function from Inventions I and II since it has an inherent affinity, avidity, and specificity that DNA or a simple protein is not capable of expressing and do not require each other for their practice.

The technical feature linking groups IV-VIII is considered to be methods utilizing products that share no common structure, property and function so as to form a single general inventive concept under Rule 13.1. Hence, unity is lacking among groups.

DISTINCT INVENTIONS

4. For each group of inventions I-VIII above, restriction to one of the following SEQ.ID.NO is also required under PCT Rule 13.1 because, under PCT Rule 13.2. Therefore, election is required of one of inventions I-VIII and one of SEQ.ID.NO: 3-68

Inventions SEQ.ID.NO: 1-68 are not so linked as to under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The claimed polypeptides and polynucleotides (i.e., SEQ.ID.NO 1-68) share no common special technical feature because the polynucleotides and peptides have no common structure (i.e., no common sequence) as evidenced by their sequences SEQ.ID.NO 1-68. These sequences that share no common

Art Unit: 1645

structure as polynucleotides and polypeptides and are not linked by the same the same or a corresponding special technical feature so as to form a single general inventive concept. Therefore, where structural identity is required, such as for hybridization or expression of protein or binding of antibody, each sequence appears perform a different function in that peptides elicit an antibody response and nucleic acids encode peptides that specifically bind to an antibody. Thus they share no common structure and function so as to form a single general inventive concept under Rule 13.1. Hence, unity is lacking among groups SEQ.ID.NOS.

Applicant is required under PCT Rule 13.1 because, under PCT Rule 13.2 to elect a single disclosed SEQ.ID.NO from any group elected.

- 5. Applicant is required, in reply to this action, to elect a group and one sequence and identify the SEQ.ID.NO to which the claims shall be restricted. The reply must also identify the claims readable on the elected invention, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.
- 6. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600

SUSAN UNGAR, PH.D PRIMARY EXAMINER

Padma Baskar Ph.D.